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SANGHOON SULL  
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EXAMINER

BOTTS, MICHAEL K

ART UNIT PAPER NUMBER

2176

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/911,293

Applicant(s)

SULL ET AL.

Examiner

Michael K. Botts

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 89-104 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 89-104 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/3/03; 5/8/06</u>  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This document is the third Office Action on the merits. This action is responsive to the following communications: The Request for Continuing Examination, which was filed on May 8, 2006.
2. Applicants' attention is directed to the fact that a new examiner has been assigned to this case. The Examiner's name and telephone number are provided below.
3. Claims 89-104 have been examined, with claims 89, 93, and 99 being the independent claims.
4. Claims 89-104 are rejected.

### ***Information Disclosure Statement***

5. Signed and dated copies of applicant's IDS, which were filed on January 3, 2003, and May 8, 2006, are attached to this Office Action.

### ***The Specification***

6. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of U.S. filed applications in the specification should also be updated where appropriate.
7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is

requested in correcting any errors of which applicant may become aware in the specification.

***Claims Rejections – 35 U.S.C. 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 89-96 and 98-104** are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Swenson, et al. (U.S. Patent 6,064,380, issued May 16, 2000) [hereinafter "Swenson"].

Regarding **dependent claim 89**, Swenson teaches:

*A method of generating a multimedia bookmark, comprising:*  
*selecting a particular location within a multimedia file;*  
*generating at least two of the following three pieces of information for said particular location: positional information; content information; and metadata information; and*  
*storing said generated information.*

(See, Swenson, Figure 3, figure 4 (elements 413-425, and col. 4, line 65 through col. 5, line 23, teaching selecting a particular location in a multimedia file for a bookmark, taught as "Stop & Save Position," and generating for storage the position of the stop

mark and meta data such as the title of the marked section.)

Regarding **dependent claim 90**, Swenson teaches:

*The method of claim 89 wherein said positional information comprises one or more of a URI, a URL, an elapsed time, or a time code.*

(See, Swenson, col. 5, lines 43-61, teaching saving position using "time position.")

Regarding **dependent claim 91**, Swenson teaches:

*The method of claim 89 wherein said content information comprises one or more of an image, a captured frame, a thumbnail image of a captured frame, audio data, or a string of characters.*

(See, Swenson, col. 5, lines 16-23, teaching content information as a string of characters comprising a title for the bookmark.)

Regarding **dependent claim 92**, Swenson teaches:

*The method of claim 89 wherein said metadata information contains offset information correlating said particular location in a master file with the same location in one or more slave files.*

(See, Swenson, col. 5, lines 12-16, teaching storing metadata of offset information of a start position including a rewind of automatic or selectable length.)

Regarding **dependent claim 93**, Swenson teaches:

*A method of generating a multimedia bookmark, comprising:*

*selecting a multimedia file;*

*playing the selected file;*

(See, Swenson, col. 4, lines 52-54, teaching selecting and playing a selected multimedia file.)

*invoking an add-bookmark command corresponding to a particular location in the selected file;*

(See, Swenson, col. 4, line 65 through col. 5, line 3, teaching selecting a particular location in a multimedia file for a bookmark, taught as “stop & Save Position.” See also, Swenson, col. 5, lines 43-63, teaching book-marking a particular location in a multimedia file.)

*generating a bookmark in response to the add-bookmark command, said bookmark containing at least two of the following three pieces of information for said particular location: positional information; content information; and metadata information;*

(See, Swenson, col. 4, line 65 through col. 5, line 23, teaching selecting a particular location in a multimedia file for a bookmark, taught as “Stop & Save Position,” and generating for storage the position of the stop mark and meta data such as the title of the marked section.)

*storing said bookmark; and*

(See, Swenson, col. 4, line 65 through col. 5, line 3, and col. 5, line 45, teaching storing

the bookmark in persistent memory.)

*displaying at the user location an icon representative of the stored bookmark.*

(It is noted that the specification does not specially define the term "icon." Upon examination of the specification and claims, the Examiner believes Applicants intended the term to be defined accordingly to how it was commonly known to one of ordinary skill in the art, as follows: "A small image displayed on the screen to represent an object that can be manipulated by the user." See, "Microsoft Computer Dictionary," Fifth Edition, Microsoft Press, 2002, definition of "icon."

See, Swenson, figure 3, teaching icons of bookmarked multimedia files shown as "MM FILE #1," etc. within a list of multimedia files. Each of the elements on the list are taught as selectable by the user to select the multimedia object identified by the icon. See, Swanson, col. 4, lines 51-61.)

Regarding **dependent claim 94**, Swenson teaches:

*The method of claim 93 wherein said positional information comprises one or more of a URI, a URL, an elapsed time, or a time code.*

(See, Swenson, col. 5, lines 43-61, teaching saving position using "time position.")

Regarding **dependent claim 95**, Swenson teaches:

*The method of claim 93 wherein said content information comprises one or more of an image, a captured frame, a thumbnail image of a captured frame,*

*audio data, or a string of characters.*

(See, Swenson, col. 5, lines 16-23, teaching content information as a string of characters comprising a title for the bookmark.)

Regarding **dependent claim 96**, Swenson teaches:

*The method of claim 93 wherein said metadata information contains offset information correlating said particular location in a master file with the same location in one or more slave files.*

(See, Swenson, col. 5, lines 12-16, teaching storing metadata of offset information of a start position including a rewind of automatic or selectable length.)

Regarding **dependent claim 98**, Swenson teaches:

*The method of claim 93 wherein said multimedia file is stored on a server, said method additionally comprising downloading said selected file from said server, and playing said selected file either during or after downloading.*

(See, Swenson, col. 3, line 33 through col. 5, line 23, teaching that the multimedia file may be stored on a server and the method may be practiced by downloading the file and playing the selected file.)

Regarding **independent claim 99**, Swenson teaches:

*A system for enabling access to a particular location within a multimedia file, comprising:*



*a memory device for storing a multimedia bookmark, the multimedia bookmark comprising at least two of the following three pieces of information: position information; content information; and metadata information about a particular location within said multimedia file;*

(See, Swenson, col. 4, line 61 through col. 5, line 62, teaching storage of the position information and title, as metadata, as information about a particular location within a multimedia file.)

*means for invoking said multimedia bookmark;*

(See, Swenson, col. 5, lines 3-61, teaching selection of the bookmark from a list of multimedia files and starting from the beginning, from the bookmarked position, or from a rollback position prior to the bookmarked position.)

*a search mechanism responsive to said multimedia bookmark for enabling access to said particular location within said multimedia file without accessing the beginning of said multimedia file.*

(See, Swenson, col. 4, line 62 through col. 5, line 62, teaching accessing the bookmarked position without accessing the beginning of the multimedia file.)

Regarding **dependent claim 100**, Swenson teaches:

*The system of claim 99 wherein said search mechanism identifies a plurality of locations in said multimedia file in response to said bookmark.*

(See, Swenson, figure 3, and col. 4, line 61 through col. 5, line 23, teaching a list of locations of bookmarked multimedia files.)

Regarding **dependent claim 101**, Swenson teaches:

*The system of claim 99 further comprising an access mechanism for reading the multimedia file beginning at said particular location identified by said search mechanism.*

(See, Swenson, col. 5, lines 43-61, teaching accessing the beginning of the bookmarked location of a file.)

Regarding **dependent claim 102**, Swenson teaches:

*The method of claim 99 wherein said positional information comprises one or more of a UR1, a URL, an elapsed time, or a time code.*

(See, Swenson, col. 5, lines 43-61, teaching saving position using "time position.")

Regarding **dependent claim 103**, Swenson teaches:

*The method of claim 99 wherein said content information comprises one or more of an image, a captured frame, a thumbnail image of a captured frame, audio data, or a string of characters.*

(See, Swenson, col. 5, lines 16-23, teaching content information as a string of characters comprising a title for the bookmark.)

Regarding **dependent claim 104**, Swenson teaches:

*The method of claim 99 wherein said metadata information contains offset*

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*information correlating said particular location in a master file with the same location in one or more slave files.*

(See, Swenson, col. 5, lines 12-16, teaching storing metadata of offset information of a start position including a rewind of automatic or selectable length.)

9. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art.

See, MPEP 2123.

### ***Claims Rejection – 35 U.S.C. 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claim 97** is rejected under 35 U.S.C. 103(a) as being unpatentable over Swenson, et al. (U.S. Patent 6,064,380, issued May 16, 2000) [hereinafter "Swenson"] as applied to claim 93 above, and further in view of Katz, et al. (U.S. Patent 6,356,971 B1, filed March 4, 1999)

Regarding **dependent claim 97**, Swenson in view of Katz teaches:

*The method of claim 93 wherein said content information comprises a thumbnail image of a captured frame, and wherein said icon representative of the stored bookmark is said thumbnail image.*

(Swenson teaches the limitations of claim 93, but does not expressly teach the icon as a thumbnail image.

Katz teaches that it was well known in the art at the time the Katz application was filed to use thumbnail images to represent selectable digital images. See, Katz, col. 1, lines 42-51. Further Katz expressly teaches a computer system that allows bookmarks to be displayed and browsed visually as thumbnails. See, Katz, figure 4A, and col. 3, lines 46-51.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Swenson and Katz to result in a thumbnail image to indicate a bookmark in a multimedia object.

The suggestion or motivation for the combination is explicit in Katz that thumbnail images may be used to identify bookmarked multimedia. See Katz, col. 1, lines 42-51.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Swenson and Katz to result in the invention specified in claim 97.)

11. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to

be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art.

See, MPEP 2123.

### ***Response to Arguments***

Applicants' arguments filed May 5, 2006 have been fully considered, but they are not persuasive.

#### **Regarding claims 89-104:**

Applicants argue that providing a bookmark with two of three of "positional information, content information; and metadata information" distinguishes the new claims over the prior art. See, Request for Continued Examination, page 5.

The Examiner disagrees.

Swenson includes both position "time" information and metadata "title" information. See, Swenson, col. 4, line 61 through col. 5, line 62, teaching storage of the position information and title, as metadata, as information about a particular location within a multimedia file.

Regarding dependent claim 97, Katz also teaches content information, in addition to the position and metadata information taught in Swenson, as cited above. See, Katz, figure 4A, col. 1, lines 42-51, and col. 3, lines 46-51, teaching association of content information in the form of thumbnail representations.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to have combined the teachings of Swenson and Katz to result in a thumbnail image to indicate a bookmark in a multimedia object.

The suggestion or motivation for the combination is explicit in Katz that thumbnail images may be used to identify bookmarked multimedia. See Katz, col. 1, lines 42-51.

### ***Conclusion***

12. The following prior art is made of record and not relied upon that is considered pertinent to applicants' disclosure:

Montalbano (U.S. Patent 5,918,237), teaching multimedia bookmarks for HTML files.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Botts whose telephone number is 571-272-5533. The examiner can normally be reached on Monday through Friday 8:00-4:00 EST.

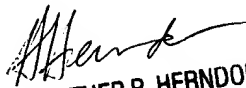
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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